

Application No.: 09/896,655

Case No.: 56719US002

**Remarks**

Claims 1-35 are pending. Claims 1-11 have been canceled without prejudice to the filing of related applications. Claims 25-34 have been withdrawn from consideration. Claims 12, 18, 19 and 35; and withdrawn claims 25, 26, 28, 30, 31, 33, and 34 have been amended.

Claims 12 and 35, and withdrawn claims 25, 26, 31, 33, and 34 were amended to provide a clay component comprising an organophilic clay comprising the reaction product of a clay and a quaternary ammonium compound. Support for this amendment can be found at, e.g., page 20, lines 1-21. Applicants respectfully submit that these amendments were not entered earlier, as Applicants believed their prior arguments were sufficient to overcome the rejection.

Withdrawn claims 28 and 30 were amended to clarify the antecedent basis provided by amended claim 26. Support for these amendments can be found in claims 26, 28, and 30 as originally filed. Claims 18 and 19 were amended to depend from claim 13 to provide antecedent basis for "the thermoplastic polymer," and Applicants respectfully submit that these amendments do not alter the scope of these claims. Thus, entering these amendments would not unduly burden the Patent Office, as no additional searching or further consideration would be required.

Applicants gratefully acknowledge the Patent Office's comment that claim 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New independent claim 36 has been written in accordance with these requirements. Claim 36 includes the limitations of claim 15 and the independent claim from which claim 15 depended (i.e., claim 12 as originally filed).

New claims 37-45 depend from new independent claim 36. Support for claims 37-45 can be found at, e.g., claims 12, 13, and 17-23.

**§ 102 Rejections**

Claims 12, 14, 16-19, 23, 24, and 35 stand rejected under 35 USC § 102(b) as purportedly being anticipated by Christian (US 6,060,230).

In the present Office Action, the Patent Office incorporated the discussion of the disclosure of the prior art of Christian from paragraph 4 of the Office Action mailed on 6/4/2003 by reference.

Application No.: 09/896,655

Case No.: 56719US002

As discussed, independent claims 12 and 35 have been amended to provide a clay component comprising an organophilic clay comprising the reaction product of a clay and a quaternary ammonium compound. Applicants respectfully submit that Christian does not describe, teach or suggest such an organophilic clay.

For at least this reason, the rejection of claims 12 and 35 under 35 USC § 102(b) as purportedly being anticipated by Christian has been overcome and should be withdrawn. Claims 14, 16-19, 23 and 24 each depends, directly or indirectly, from claim 12, and adds patentable features thereto. Claim 12 is patentable for the reasons stated above, thus claims 14, 16-19, 23 and 24 are likewise patentable.

In summary, the rejection of claims 12, 14, 16-19, 23, 24, and 35 under 35 USC § 102(b) as purportedly being anticipated by Christian (US 6,060,230) has been overcome and should be withdrawn.

### **§ 103 Rejections**

Claims 13, and 20-22 stand rejected under 35 USC § 103(a) as being unpatentable over Christian (US 6,060,230) in view of Hansen (US 5,672,400).

In the present Office Action, the Patent Office incorporated the discussion of the disclosure of the prior art of Christian and Hansen from paragraph 8 of the Office Action mailed on 6/4/2003 by reference.

Claims 13, and 20-22 each depends from claim 12 and adds patentable features thereto. Claim 12 is patentable over Christian for at least the reasons stated above. According to the Patent Office, the prior art of Hansen was utilized to supply presence of components of the independent claims and these include tackifiers as well as other polymers. (Office Action dated 11/24/2003, ¶ 5, page 4.) Applicants respectfully submit that Hansen fails to overcome the deficiencies of Christian, e.g., Hansen fails to describe, teach or suggest an organophilic clay comprising the reaction product of a clay and a quaternary ammonium compound.

For at least this reason, the rejection of claims 13, and 20-22 under 35 USC § 103(a) as purportedly being unpatentable over Christian in view of Hansen has been overcome and should be withdrawn.

Application No.: 09/896,655

Case No.: 56719US002

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. In Paper No. 11, ¶ 2, the Patent Office stated that it would agree to rejoin these claims 25-34 provided that all the allowable subject matter is present in the restricted claims. Applicants respectfully submit that claims 25-34 have been amended accordingly, and request rejoinder of claims 25-34.

Allowance of claims 12-45, as amended, at an early date is solicited.

Respectfully submitted,

26 Jan 2004  
Date

By: Dean M. Harts  
Dean M. Harts, Reg. No.: 47,634  
Telephone No.: (651) 737-2325

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833

DMH/TMS/spg